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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,531	02/22/2002	Wolfgang Kehrer	R.37792	4390

2119 7590 06/20/2003

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EXAMINER

NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/009,531	KEHRER ET AL.	
	Examiner	Art Unit	
	Tran N. Nguyen	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION
Claim Rejections - 35 USC § 112

Claims 11-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Among claims 11-26, the term “**preferably**” makes the recitations of the respective claims indefinite because “preferably” implies a possibility, an option, not a positive structural limitations.

Among claims 11-26, the alternative claimed language “retained by nonpositive **and/or** positive engagement”, and “element embodied **on or in** the jacket” are indefinite. It should be changed to “retained by one of nonpositive **and** positive engagements”, and “element embodied being one of on the jacket and in the jacket”

Among claims 11-26, the following terms: “the jacket”, “the pot bottom”, “the housing pot” (claim 21), “the plastic injection-molded housing” lack antecedent basis. The applicant is requested to ensure that all subject matters have clearly established antecedent basis.

Claims 13-14, “*said decoupling elements comprise an elastomer and, preferably by the two-component process, are jointly injection molded onto the plastic injection-molded housing*” is indefinite because it is unclear how the plural decoupling elements (*decoupling elements*) comprise an (single) elastomer. Furthermore, the recitation “preferably by the two-component process, *are jointly injection molded onto the plastic injection-molded housing*” is unclear because the so-called “plastic injection-molded housing” is part of the motor’s housing (10), if so the claimed language should clearly recite such structure. The recitations of claims 13-14 contain the method of forming, i.e., (forming by) the two-component process and are jointly injection molded. The method of forming the device is not germane to the issue of patentability of the device itself. (*In re Thorpe*, 227 USPQ 964, 966.)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claim 10** is rejected under 35 U.S.C. 102(b) as being fully anticipated by Long (US 4795932).

Long discloses an electric motor (figs 1-4) having a stator, a rotor that is rotatable in the stator, a rotor shaft received rotatable in rotor bearings, and decoupling means (20) for reducing the emission of airborne and structure-borne sound between the stator and the rotor bearings, wherein said rotor bearings are fixed on a housing that surrounds and grips the stator, said decoupling being achieved by means of a spring-elastic suspension (20) of the stator from the housing.

Claims 10-12 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Watson et al (EP 0957564 A3).

Watson discloses an electric motor (figs 1-2) having a stator, a rotor that is rotatable in the stator, a rotor shaft received rotatable in rotor bearings, and decoupling means (20) for reducing the emission of airborne and structure-borne sound between the stator and the rotor bearings, wherein said rotor bearings are fixed on a housing that surrounds and grips the stator, said decoupling being achieved by means of a spring-elastic suspension (20) of the stator from the housing, wherein the wherein said spring-elastic suspension of the stator from the housing comprises decoupling elements (20), at which the stator is retained by nonpositive and/or positive engagement are secured to the inner wall of a housing, spaced apart from one another in the circumferential direction, and at least three decoupling elements (20), offset from one another by the same angle of rotation, each extending over the entire axial length of the stator.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 13-14**, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson, as applied in the rejection of the base claims, and in view of Golob et al (US 5574253).

Watson discloses the claimed invention, except for the limitations recited in claim 13.

Golob, however, teaches a motor having formed on the inner surface (18) of the housing (12) a plurality of spring-elastic suspension (24) in the form of ribs. The ribs 24 project radially inwardly from the inner surface 18 and serve as spring-elastic suspension (24) for the electric motor 62. Those skilled in the art would realize that the Golob's important teaching is formed the spring-elastic suspension, which comprises the decoupling elements, as an elastomer material by molding injection onto the housing thereof. This would enable the spring-elastic decoupling means to serve as elastically support built-in components with tolerance and thermal expansion compensative characteristics.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the Watson motor by embody the decoupling elements as elastomer decoupling elements and molded onto the housing, as taught by Golob. Doing so would enable the spring-elastic decoupling means to serve as elastically support built-in components with tolerance and thermal expansion compensative characteristics.

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3. **Claims 21-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson, as applied in the rejection of the base claims, and in view of Peterson (US 5798592).

Watson discloses the claimed invention, except for the limitations recited in claims 21-22.

Peterson, however, teaches a motor having a pot-shape housing (52), a housing cap (56) carries a mounting flange (54), the rotor's bearings (72 and 74) are disposed in the pot bottom of the housing pot and the housing cap respectively.

Allowable Subject Matter

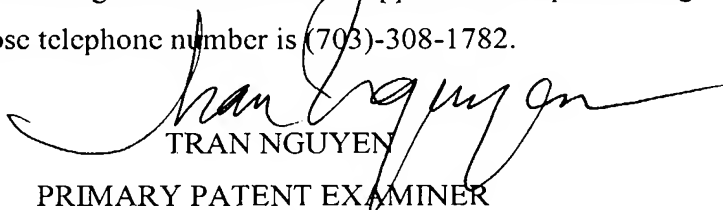
Claims 15-20 and 25-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.


TRAN NGUYEN
PRIMARY PATENT EXAMINER

TC-2800